

U.S. Patent Application Serial No. 10/022,559
Reply to Office Action dated November 28, 2006

Remarks:

Applicants have read and considered the Office Action dated November 28, 2006 and the references cited therein. Claims 1-12, 14, 16-36, 40-59 and 62-68 are currently pending. Reconsideration and reexamination are hereby requested.

Claims 1, 2, 4, 5, 6, 8-12, 14, 16, 17, 22-27, 29, 30, 32-36, 38, 40, 41, 46-50, 52, 55, 57-59, 62, 63, 67 and 68 were rejected under 35 U.S.C. 103(a) as being obvious over SMITHIES in view of ROMNEY. The Action asserts that SMITHIES teaches all of the elements of independent claims 1 and 25 with the exception of:

- ii. Embedding the process authentication code in the document is signed, thereby securely associating the process log and document;
- d. Making the document as signed available to the user.

The Action asserts that ROMNEY teaches the two features mentioned above and that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teachings of these two references to arrive at the claimed invention.

Applicants respectfully, yet strongly traverse this assertion. Applicants assert that ROMNEY does not teach the two elements of claims 1 and 25 discussed above. Moreover, SMITHIES does not teach all the other elements as the Office Action contends.

The Action associates the "process authentication code" of claims 1 and 25 with the "authenticator identification envelope" of ROMNEY. As explicitly recited in claims 1 and 25 of the present application, the process authentication code uniquely represents a process log, which itself allows the reconstruction of substeps b) i) to b) iii) of the claim method as executed by the

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user. The "authenticator identification envelope" of ROMNEY is defined at column 9, lines 29 to 32 as:

"an authenticator identification envelope is a set of information that the authenticator attaches to the signed documents. It includes the authenticator statement, and may include additional information."

Examples of the additional information that may be included in the authenticator identification envelope of ROMNEY are given, for example, at column 10, lines 50 to 63, and include biometric data, an identification level identifier that specifies the degree of scrutiny of the client's identity undertaken by the authenticator, copies of public keys or digital certificates. Nowhere in ROMNEY is there any indication that the envelope includes any information that qualifies as a process log, which would allow reconstruction of the signing process by the user (or "the client" in ROMNEY). Moreover, the authenticator identification envelope of ROMNEY could not possibly include such information since it is created by the authenticator, a party whose task consists in verifying and authenticating a signature, who is generally not present when this signature is applied to the document. Reference can, for example, be made to column 7 of ROMNEY, which explains how the client first signs the document and then transmit it to the authenticator, for example through a transportable storage media or electronically through a telephone line and a modem. ROMNEY cannot therefore include information about the signing ceremony in the authenticator identification envelope; as such information is not available to the authenticator. As a consequence, the authenticator identification envelope does not constitute, nor does it include, a process log. It is even more erroneous to contend that it constitutes a code representative of a process log.

Conversely, in the present invention, the data identification code is a code that uniquely represents the process log providing for reconstruction of the signing ceremony of a document.

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In one preferred embodiment, this code is simply a hash of the electronic document. This is advantageous as its embedding in the electric document does not unduly burden this document with data that would result in a large electronic file requiring excessive storage space and large bandwidth to transmit electronically. By contrast, the authenticator identification envelope of ROMNEY is a data file that can, in some embodiments, be quite large. Although it can be encoded, it does not constitute a simple code.

Upon careful examination, it can be seen that the authenticator identification envelope of ROMNEY does not constitute a data authentication code uniquely representing a process log as provided by claims 1 and 25 of the present application, and that ROMNEY does not teach the embedding of such a data identification code in a signed electronic document. As these elements are not known from SMITHIES or any other cited prior art document, the subject matter of claims 1 and 25 is deemed to be non obvious over this art.

As claims 2, 4-6, 8-12, 14, 16, 17, 22-24, 26-27, 29, 30, 32-36, 38, 40, 41, 46-50, 52, 55, 57-59, 62, 63, 67 and 68 are dependent directly or indirectly on claims 1 or 25, the rejections with regard thereto are considered moot in view of the arguments above.

Claims 3, 31 and 51 were rejected under 35 U.S.C. 103(a) as being obvious over SMITHIES in view of ROMNEY and further in view of FERGUSON. Applicants assert that FERGUSON fails to remedy the shortcomings of SMITHIES and ROMNEY. Applicants assert that claims 3, 31, and 51 depend from either claim 1 or 25 and are allowable for the reasons discussed above as well as other advantages provided by these claims.

Claims 7, 28 and 56 were rejected under 35 U.S.C. 103(a) as being obvious over SMITHIES in view of ROMNEY and further in view of TEARE et al. Applicants assert that TEARE fails to remedy the shortcomings of SMITHIES and ROMNEY. Applicants assert that

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claims 7, 28, and 56 depend from either claim 1 or 25 and are allowable for the reasons discussed above as well as other advantages provided by these claims.

Claims 18-21, 42-45 and 64-66 were rejected under 35 U.S.C. 103(a) as being obvious over SMITHIES in view of ROMNEY and further in view of HOUSER et al. Applicants assert that HOUSER fails to remedy the shortcomings of SMITHIES and ROMNEY. Applicants assert that claims 18-21, 42-45, and 64-66 depend from either claim 1 or 25 and are allowable for the reasons discussed above as well as other advantages provided by these claims.

Applicants assert that the claims patentably distinguish over the prior art. A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

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By: _____

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